

Message Text

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ACTION SS-25

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S E C R E T SECTION 1 OF 3 MANILA 4590

EXDIS

MILITARY ADDRESSEES HANDLE AS SPECAT EXCLUSIVE

E.O. 11652: GDS
TAGS: MARR, RP
SUBJECT: BASE DISCUSSIONS: MARCH 21 GOP AIDE MEMOIRE

REF: MANILA 4589

PROVIDED BELOW IS FULL TEXT OF GOP AIDE MEMOIRE
PRESENTED AT MARCH 21 MEETING (REFTEL). FURTHER ASSESS-
MENT AND RECOMMENDATIONS WILL BE PROVIDED. BEGIN QUOTE.

AIDE MEMOIRE

THE PHILIPPINE GOVERNMENT ACKNOWLEDGES THE RECEIPT
OF THE PROPOSALS BY THE UNITED STATES GOVERNMENT PRESENTED
ON 13 FEBRUARY 1978 AND OF THE TALKING POINTS CONCERNING
"COMPENSATION" FOR THE USE OF PHILIPPINE MILITARY BASES.

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SOVEREIGNTY AND SOVEREIGNTY-RELATED ISSUES

THE PHILIPPINES VIEWS THE FORD-MARCOS COMMUNIQUE
AND THE PERSONAL MESSAGE OF PRESIDENT JIMMY CARTER TO
PRESIDENT MARCOS AS THE PROPER CONTEXT OF NEGOTIATIONS ON
THE ISSUE OF PHILIPPINE SOVEREIGNTY OVER THE PHILIPPINE

MILITARY BASES.

AS DELIVERED BY AMBASSADOR DAVID D. NEWSOM, PRESIDENT
CARTER'S MESSAGE READS AS FOLLOWS:

"...THE UNITED STATES GOVERNMENT UNDERSTANDS
THAT SOVEREIGNTY OVER THE BASES RESTS WITH THE
PHILIPPINES. MY PREDECESSOR, PRESIDENT FORD,
AFFIRMED THIS UNDERSTANDING TO YOU IN MANILA IN
DECEMBER 1975. I REITERATED THAT VIEW TO MRS.
MARCOS IN NEW YORK ON OCTOBER 5 AND HAVE NO
HESITATION ABOUT AFFIRMING IT PUBLICLY."

IN LIGHT OF THESE AFFIRMATIONS, THE PHILIPPINE GOVERNMENT
REGRETS THAT IT FINDS THE 13 FEBRUARY 1978 PROPOSALS LESS THAN
ADEQUATE AS A RESPONSE TO PHILIPPINE EXPECTATIONS AND INSUFFICIENT
TO GIVE FULL MEANING TO PHILIPPINE SOVEREIGNTY OVER THE MILITARY
BASES.

THE PHILIPPINES DESIRES TO MAKE THE FOLLOWING GENERAL
OBSERVATIONS ON THE 13 FEBRUARY PROPOSALS.

1. SOME PROPOSALS ARE, IN THE MAIN, RE-STATEMENTS OF
U.S. POSITIONS IN PREVIOUS NEGOTIATIONS--POSITIONS WHICH THE
PHILIPPINES DEEMED UNACCEPTABLE.

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2. DETAILS NEED FURTHER CLARIFICATION, WITH SPECIAL
REFERENCE TO THE POWERS OF THE PHILIPPINE BASE COMMANDER.

3. WIDER ADJUSTMENTS, RATHER THAN MERE AMENDMENTS,
ARE REQUIRED IN CERTAIN PROVISIONS OF THE 1947 BASES AGREE-
MENT, IN PARTICULAR THE ISSUE OF CRIMINAL JURISDICTION AND
THE APPLICABILITY OF PHILIPPINE LAWS.

IN RESPECT OF THE FOREGOING POINTS, THE PHILIPPINES
UNDERSTANDS THAT IT SHALL GRANT THE UNITED STATES THE OPERATIONAL
PRIVILEGES IN THE USE OF CERTAIN AREAS (DENOTED AS U.S. FACILITIES)
WITHIN PHILIPPINE MILITARY BASES. CONSISTENT WITH THIS UNDER-
STANDING, THE PHILIPPINES IS IN GENERAL PREPARED TO RECOGNIZE
THE EXERCISE BY THE UNITED STATES OF CERTAIN RIGHTS AND PREROGA-
TIVES IN ORDER TO ENABLE THE UNITED STATES UNHAMPERED MILITARY
OPERATIONS INVOLVING ITS OWN FORCES. GUARANTEED FREE ACCESS
AND EGRESS TO AND FROM U.S. FACILITIES IS AN EXAMPLE.

BASES AREAS

THE PHILIPPINES WISHES TO REITERATE ITS POSITION AS FOLLOWS.

1. AT CLARK AIR BASE, THERE IS BASIC AGREEMENT THAT THE U.S. FACILITY CONSISTS OF THE BUILD-UP AREAS. ALL OTHER AREAS WILL BE UNDER THE ADMINISTRATION AND CONTROL OF THE PHILIPPINE BASE COMMANDER, INCLUDING CROW VALLEY GUNNERY RANGE WHICH THE UNITED STATES FORCES WILL BE ALLOWED TO OPERATE AND MAINTAIN FOR JOINT USE WITH THE PHILIPPINE ARMED FORCES.

2. AT SUBIC NAVAL BASE, THE U.S. FACILITY WILL BE BASICALLY THE BUILD-UP AREAS. HOWEVER, THE PHILIPPINES MAINTAINS THAT NO PORTION OF THE BAY WATERS SHALL BE INCLUDED AS PART OF THE U.S. FACILITY. THE BAY WATERS SHOULD BE UNDER THE CONTROL OF THE PHILIPPINE BASE COMMANDER.

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C O R R E C T E D C O P Y (TEXT)

MILITARY ADDRESSEES HANDLE AS SPECAT EXCLUSIVE

3. THE WATERSHED SHALL BE RELINQUISHED BY THE UNITED STATES AND PLACED UNDER THE CONTROL OF THE PHILIPPINE BASE COMMANDER. HOWEVER, A JOINT WATERSHED MANAGEMENT ARRANGEMENT MAY BE AGREED UPON SUCH THAT THE AREA COULD BE DECLARED A PERMANENT FOREST RESERVE IN A MILITARY RESERVATION.

4. AS REGARDS GRANDE ISLAND, IT SHALL BE UNDE THE

ADMINISTRATION AND CONTROL OF THE PHILIPPINE BASE COMMANDER, ALTHOUGH THE UNITED STATES FORCES MAY BE ALLOWED TO CONTINUE OPERATING THE EXISTING ELECTRONIC EQUIPMENT FOR PURPOSES OF SAFETY AND NAVIGATION.

5. IN RELATION TO CAMP JOHN HAY, IT IS THE INTENTION
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OF THE PHILIPPINES TO USE THE RELINQUISHED PORTION PRIMARILY FOR ECONOMIC DEVELOPMENT PURPOSES. BY TURNING OVER SUCH AREAS, THE UNITED STATES COULD PROVIDE IMPORTANT ASSISTANCE TO PHILIPPINE GOVERNMENT'S PLAN OF ACCELERATING THE GROWTH OF THE TOURSIM INDUSTRY. THE FACT IS THAT THE RELINQUISHMENT OF THE WHOLE OF CAMP HOHN HAY WOULD STILL ASSURE THE CONTINUED UNHAMPERED OPERATIONS OF THE UNITED STATES FORCES IN THE WESTERN PACIFIC AND WILL NOT CONTRAVENE THE MUTUAL DEFENSE PURPOSES SOUGHT BY THE NEW AGREEMENT BETWEEN THE PHILIPPINES AND THE UNITED STATES.

6. WITH RESPECT TO WALLACE AIR STATION AT PORO POINT, WHICH IS CONSIDRED ESSENTIAL FOR THE AIR DEFENSE OF LUZON, THE PHILIPPINES DOES NOT OBJECT TO A JOINT USE OF THE AIR STATION'S DEFENSE FACILITY. BUT THE PHILIPPINES FEELS THAT CONSISTENT WITH THE OBJECTIVE OF THE TALKS BETWEEN OUR TWO COUNTRIES, THE WHOLE AREA DESCRIBED AS THE STATION SHOULD BE RELINQUISHED. THE U.S. AIR FORCE MAY, HOWEVER, STATION A UNIT AT PORO POINT TO PERFORM MUTUALLY AGREED MISSIONS.

PHILIPPINE BASE COMMANDER

THE PHILIPPINES IS PREPARED TO WORK OUT WITH THE UNITED STAETES THE MECHANICS FOR THE TRANSFER OF THE ADMINISTRATION OF THE MILITARY BASES. AS A FIRST STEP, THE PHILIPPINES WILL IMMEDIATELY DESIGNATE PHILIPPINE BASE COMMANDERS WHO SHALL CONTROL AND ADMINISTER THE SUBIC NAVAL BASE AND CLARK AIR BASE. NECESSARILY, THEIR DUTIES AND RESPONSIBILITIES MUST BE CLEAR.

THE PHILIPPINES HAS PROPOSED THAT THE PHILIPPINE BASE COMMANDER SHALL HAVE COMMAND AND CONTROL AND SHALL BE
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RESPONSIBLE FOR AND HAVE FULL AUTHORITY OVER THE ENTIRE BASE WITH THE EXEPTION OF THOSE FACILITIES WIHIN THE BASE WHICH SHALL BE DESIGNATED AS BELONGING TO THE COMMAND OF THE UNITED

STATES COMMANDER.

IN LINE WITH THIS POSITION, THE PHILIPPINES IS OF THE VIEW THAT THE PHILIPPINE BASE COMMANDER SHALL HAVE THE AUTHORITY TO ISSUE RULES AND REGULATIONS, SUBJECT TO APPROVAL OF THE PHILIPPINE SECRETARY OF NATIONAL DEFENSE, GOVERNING THE ADMINISTRATION, CONTROL AND SECURITY OF THE BASE. THE UNITED STATES COMMANDER SHALL EXERCISE COMMAND AND CONTROL OVER U.S. MILITARY AND CIVILIAN PERSONNEL IN THE EMPLOY OF U.S. FORCES, OVER U.S. EQUIPMENT AND MATERIAL NOT OTHERWISE TRANSFERRED TO THE PHILIPPINE ARMED FORCES, AND OVER MILITARY OPERATIONS INVOLVING U.S. FORCES.

THE PHILIPPINE BASE COMMANDER AND THE UNITED STATES COMMANDER SHALL BE GUIDED IN THEIR DEALINGS BY FULL RESPECT FOR PHILIPPINE SOVEREIGNTY.

IN THE PERFORMANCE OF THEIR DUTIES AND RESPONSIBILITIES, THE PHILIPPINE BASE COMMANDER AND THE UNITED STATES COMMANDER MAY CREATE SUCH INSTRUMENTALITIES AS MAY BE NECESSARY TO ASSIST THEM IN THE FORMULATION AND COORDINATION OF PLANS, PROGRAMS AND POLICIES ON SECURITY, ADMINISTRATION, MAINTENANCE OF ORDER AND RELATED MATTERS.

TO THE EXTENT THAT A MATTER RELATES TO THE RESPONSIBILITY OF THE PHILIPPINES WITH RESPECT TO THE ADMINISTRATION, SECURITY, OPERATIONS AND CONTROL OF THE BASE, THE PHILIPPINE BASE COMMANDER OR HIS DULY DESIGNATED REPRESENTATIVE SHALL BE THE POINT OF CONTACT. SIMILARLY, THE UNITED STATES COMMANDER OR HIS DULY DESIGNATED REPRESENTATIVE SHALL BE THE POINT OF CONTACT ON MATTERS RELATING TO THE U.S. FORCES.

ALL PERMITS TO OPERATE COMMERCIAL ESTABLISHMENTS AND
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SERVICES WITHIN EACH BASE SHALL BE APPROVED BY THE PHILIPPINE GOVERNMENT.

THE PHILIPPINE BASE COMMANDER MAY AUTHORIZE THE UNITED STATES COMMANDER TO ESTABLISH, MAINTAIN AND OPERATE MILITARY SERVICEXCHANGES, COMMISSARIES, SOCIAL CENTERS AND RECREATIONAL SERVICE AREAS IN THE BASE.

ANY MAJOR NEW CONSTRUCTIONS AND IMPROVEMENTS IN THE FACILITIES OR ANY MAJOR ALTERATIONS WHICH RESULT IN SUBSTANTIAL STRUCTURAL CHANGES TO EXISTING CONSTRUCTIONS SHALL BE SUBJECT TO PRIOR AGREEMENT BETWEEN THE PHILIPPINES AND THE UNITED STATES, AS REPRESENTED BY THE PHILIPPINE BASE COMMANDER AND THE UNITED STATES COMMANDER.

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EXDIS

MILITARY ADDRESSEES HANDLE AS SPECAT EXCLUSIVE

C O R R E C T E D C O P Y FOR GARBLED IN PARA ONE

THE PHILIPPINE BASE COMMANDER SHALL BE RESPONSIBLE
FOR THE SECURITY OF EACH BASE EXCEPT THAT THE UNITED STATES
COMMANDER SHALL BE RESPONSIBLE FOR THE SECURITY OF THE
FACILITIES DESIGNATED FOR U.S. USE.

OTHER OBSERVATIONS

ON FEBRUARY 13TH, THE UNITED STATES PRESENTED A DRAFT
NOTE CONCERNING THE STATUS OF THE STATE DEPARTMENT REGIONAL
RELAY COMMUNICATIONS FACILITY LOCATED IN CLARK AIR BASE.
IN THE PHILIPPINE VIEW, THIS MATTER WILL REQUIRE THE GRANT
BY THE U.S. OF RECIPROCAL RIGHTS ON THE SAME ACTIVITIES UNDER
SIMILAR CONDITIONS NOT PRESENTLY ENJOYED BY THE PHILIPPINE
EMBASSY IN UNITED STATES TERRITORY.

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WITH RESPECT TO THE PHILIPPINE PROPOSAL FOR THE SHARING OF COSTS IN THE MAINTENANCE OF THE BASES WHERE U.S. FACILITIES ARE LOCATED, THE 13 FEBRUARY PROPOSAL IS SILENT. IT IS ASSUMED THAT THIS INFORMATION WOULD BE TRANSMITTED SHORTLY SO THAT BOTH SIDES CAN DEVELOP THE PROPER PERSPECTIVES.

"COMPENSATION"

THE MOST RECENT U.S. OFFER ON "COMPENSATION" (CONTAINED IN THE TALKING POINTS) FOR U.S. USE OF FACILITIES WITHIN THE BASES AMOUNTS TO A \$400 MILLION PACKAGE. (THE ADDITIONAL \$100 MILLION PER YEAR OUTLAYS UNDER AID AND PL 480 ARE TO BE TREATED SEPARATELY) IN TERMS OF BREAKDOWN AS TO APPROPRIATION FOR MILITARY AND ECONOMIC APPLICATION, THE CURRENT U.S. OFFER STRIKES THE PHILIPPINES AS CONSIDERABLY LESS FAVORABLE THAN THE TERMS OFFERED BY FORMER SECRETARY KISSINGER AND WHICH THE PHILIPPINES DID NOT FIND ACCEPTABLE. FAR MORE DISTURBING, HOWEVER, IS THE GAP IN OUR RESPECTIVE PERCEPTIONS OF THE DEFENSE AND SECURITY REQUIREMENTS OF THE PHILIPPINES. THE UNITED STATES UNDERSTANDS THE PRESSING NEED OF THE PHILIPPINES AS TO BE AS SELF-RELIANT AS POSSIBLE IN ITS SECURITY POSTURE IN VIEW OF POSSIBLE CONTINGENCIES THE SCOPE OF WHICH NEITHER COUNTRY CAN FORESEE AT PRESENT. IT CAN DO SO IF THE UNITED STATES TAKES A MORE REALISTIC VIEW OF PHILIPPINE REQUIREMENTS.

IN VIEW OF THESE CONSIDERATIONS, THE PHILIPPINES IS NOT PREPARED TO ENTERTAIN THE PACKAGE PLAN OFFERED BY THE UNITED STATES. IT SHALL, HOWEVER, AT AN APPROPRIATE TIME PRESENT A COUNTER PROPOSAL. END QUOTE
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